

IN THE DRAWINGS

Corrected drawings are supplied herewith. Enclosed is a replacement sheet of Figure 2 of the drawings. Figure 2 is amended to illustrate a user table that includes a user record that includes entity information that includes a language preference. Applicant submits that Figure 2, as amended, does not include new matter (see paragraph 42) and respectfully requests the Examiner to enter the replacement sheet for Figure 2 into the specification.

REMARKS

This is in response to the Office Action mailed on November 24, 2004, and the references cited therewith.

Claim 23 is amended; as a result, claims 1-44 are now pending in this application.

§102 Rejection of the Claims

Claims 1-3, 5-6, 9-14, 16-17, 20-25, 27-28, 31-36, 38-39 and 42-44 were rejected under 35 USC § 102(e) as being anticipated by Nosohara (U.S. 6,571,241).

Applicant respectfully submits that claims 1-3, 5-6, 9-14, 16-17, 20-25, 27-28, 31-36, 38-39 and 42-44 should not be rejected under 35 U.S.C. § 102(e) for the reason that Nosohara does not disclose each and every limitation of the claim 1 of the present application.

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claim 1 includes the following limitations:

communicating said translated language construct to a second entity as a second transmission over said network.

The Office Action, in rejecting claim 1, contends that the above limitation is anticipated by the following disclosure in Nosohara:

The search expression replacement section 107 replaces the input "(cryptography or cipher or encode) and communication" with "({character pullout} (ango) or {character pullout} (anbun) or {character pullout} (angohka)) and {character pullout} (tuusin)" using the word replacement table 1202 shown in FIG. 12B (step S504).

Col. 11, lines 42-44.

The above quote from Nosohara describes replacing input (e.g., “(cryptography or cipher or encode) and communication” with corresponding Japanese words from a word replacement table (e.g., FIG 12B). The Japanese words are utilized as search expressions to search a database (e.g., see FIG 5, S505). The above quote does not describe a communication.

Claim 1 requires communicating a translated language construct to a second entity as a second transmission over a network. For example, a system may receive a selection of a language construct from a first entity that corresponds to a translated language construct that is communicated to a second entity.

In contrast, the above quote from Nosohara does not describe communicating a translated language construct to a second entity; but rather, replacing input with a corresponding Japanese word to search a database (FIG 5, S506). Clearly searching is not communicating. Indeed, Nosohara describes transmitting to a client terminal; however, a search result is transmitted to the client computer (FIG 5, S507) and not a translated language construct, as required by claim 1.

In addition the same client terminal that is described as receiving the search result is also described as transmitting the above described “input” (Col. 8, lines 37-39). Accordingly, the client terminal cannot be a second entity that receives a translated language construct that corresponds to a language construct selected by a first entity, as required by claim 1, because the client terminal cannot be both a first entity *and* a second entity. In other words, the second entity of claim 1 may be read on the client terminal or the first entity of claim 1 may be read on the client terminal but the second entity *and* the first entity cannot both be read on the client computer because the second and the first entities are different entities. Nosohara therefore cannot be said to anticipate the above quoted limitation of claim 1 because Nosohara describes a single client terminal that transmits input that is replaced with a corresponding Japanese word to search a database for a search result that is transmitted to the client terminal and claim 1 requires communicating a translated language construct to a second entity as a second transmission over a network.

In summary, Nosohara does not disclose each and every limitation of claim 1, as required to support a rejection of this claim under 35 U.S.C. § 102(e).

Independent claims 12, 23, and 34 each include a limitation corresponding substantially to the above-discussed limitation of claim 1. The above remarks are accordingly also applicable to a consideration of these independent claims. Accordingly, Applicant requests that the above remarks and amendments contained herein also be considered when examining these other independent claims for allow ability.

As dependent claims are deemed to include all limitations of claims from which they depend, the rejection of claims 2-3, 5-6, 9-11, 13, 14, 16-17, 20-22, 24-25, 27-28, 31-33, 35, 36, 38-39 and 42-44 under 35 U.S.C. § 102(e) is also addressed by the above remarks, and the amendments contained herein.

§103 Rejection of the Claims

Claims 4, 7-8, 15, 18-19, 26, 29-30, 37 and 40-41 were rejected under 35 USC § 103(a) as being unpatentable over Nosohara in view of Christy (U.S. 6,301,554).

Claims 4, 7-8, depend on independent claim 1 and claims 15, 18-19 depend on independent claim 12 and claims 26, 29-30 depend on independent claim 23 and claims 37 and 40-41 depend on independent claim 34. Dependent claims are deemed to include all limitations of claims from which they depend. The above remarks are accordingly also applicable to a consideration of these dependent claims. Accordingly, Applicant requests that the above remarks and amendments contained herein also be considered when examining these other independent claims for allow ability.

Documents Cited but Not Relied upon for this Office Action

Applicant need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action since these references are not made part of the rejections in this Office Action. Applicant is expressly not admitting to this assertion and reserves the right to address the assertion should it form part of future rejections.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-846-8871 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STEVE GROVE

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
408-846-8871

Date 4/6/2005
By Mark R. Vatuone
Mark R. Vatuone
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of April, 2005.

Peter Rebuffoni

Name

Peter Peter
Signature